

REMARKS

Applicant sincerely thanks Examiner Kishore for the telephonic Interview with Applicant's counsel, Salima A. Merani on March 1, 2003. The Examiner has indicated that he would provide a Summary of the Interview in the next communication from the PTO. Accordingly, Applicant is not providing a separate Summary of the Interview. Applicant has canceled 31-36 and 40 without prejudice. Applicant expressly reserves the right to pursue Claims 31-36 and 40, and any claims previously canceled, in one or more continuing or related applications.

Amendments to Claim 26

Solely in order to expedite patent issuance, Applicant has amended Claim 26 to include only subject matter that has been indicated as allowable (*i.e.*, for which Applicant has actually and physically demonstrated to be lipophilic (as disclosed in Applicant's originally-filed specification and declaration filed December 18, 2003). Several or all of the compounds listed in Claim 26 are lipophilic and these compounds, and equivalents thereto, are encompassed within the scope of, *inter alia*, Claim 24. Applicant reserves the right to, and intends to, prosecute the subject matter of originally filed Claim 26 in one or more continuing applications.

Patent Application Number 09/562,297

In an Office Action dated January 9, 2003, the Examiner rejected only Claims 1-12 and 37-38 for provisional double-patenting with respect to Patent Application No. 09/562,297. In an Amendment dated July 9, 2003, Applicant canceled Claims 1-12 (without prejudice) and amended Claims 37-38 to depend from an alternate base claim. Applicant's counsel confirmed with the Examiner that these amendments would obviate the double-patenting issue during an Interview on March 18, 2003. Accordingly, the Examiner removed the rejection from subsequent Office Actions. Thus, no obviousness-type double patenting issue remains and no terminal disclaimer is needed over Patent Application No. 09/562,297.

Patent Application Serial Number 10/132,665

Applicant hereby files a terminal disclaimer, attached herewith, with respect to Patent Application Serial Number 10/132,665.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully asserts that the present application is fully in condition for allowance. If any issues remain that may be addressed by a phone conversation, the Examiner is invited to contact the undersigned at the phone number indicated below.

Appropriate fees have been submitted herewith. No further fees are believed to be due. However, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 3, 2004

By:



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Recognized under 37 CFR § 10.9(b)

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